

# **EXHIBIT 20**

**Declaration of Stephen Barbee**

I, Stephen Barbee, hereby declare as follows:

My name is Stephen Barbee and I am over the age of 21 and am competent to make this declaration.

I first met Theresa Dowling in 1993. She was working as a flight attendant for American Airlines. In 1995, we moved in together. At this time, I was working for a pest-control company and Theresa was still working for American Airlines. Then I quit my pest-control job and went to work for Kevin Voss at Cowboy Coring, a concrete business. I was also doing tree-trimming work on the side with Tim Davis. However, Tim did not get along with Theresa and did not want to deal with her and eventually he walked away from the tree business, All Four Seasons, which we had started together. In late 1995, I was fired from Cowboy Coring because I was too sick to work.

Theresa helped me put out flyers for lawn care and in a short time I was mowing 20-30 lawns. My parents, Jackie and Bill Barbee, bought me a used tree chipper and loaned me the money to buy all of the lawn equipment.

On October 19, 1996, Theresa and I were married. At about this time, Theresa found three acres in Hazlet and my parents, Jackie and Bill, gave us \$12,000 as a wedding present for a down-payment on the land. In December of 1996, Theresa was injured on the job when a hotel van door slammed on her left side. She sustained numerous injuries, including a concussion. She had to undergo four different surgeries and was put on steroids which caused her to gain a considerable amount of weight. She filed a lawsuit against the hotel where she was injured. The lawsuit was eventually settled for \$300,000 of which our part, after attorney's fees, was about

half. We used \$50,000 to pay off debts and the remainder was put into mutual funds with Merrill Lynch in a CD in Theresa's name.

Theresa was keeping the books and scheduling jobs for All Four Seasons. We lived and worked in a metal building I had constructed on land we had bought after we were married. The business was going well and we managed to land some lucrative state contracts for tree trimming and removal. I was out of town a lot.

By early 2002, Theresa's dream house was under construction on our property. The business was thriving. However, I was out of town for most of the year 2002, bidding and working state and highway contracts for tree removal. Theresa was busy working with the home builder, her friend Deanna as well as running the business side of All Four Seasons. She was also substituting higher-priced construction materials such as "Italian ceramic tile" and not informing me.

Around the first of November 2002, Kevin Voss offered to sell me the Cowboy Coring business. I thought this was a great opportunity and discussed the purchase with Theresa but she said "absolutely not!!" But I was able to get a loan from my parents and about \$100,000 from the bank to pay for Kevin's dad's half of the business. We also had to get another \$371,000 loan from the same bank. Theresa eventually agreed that her \$100,000 CD could be put up for collateral, but she told me that she would have nothing to do with the new company and that I would have to run that one without her. Eventually, Theresa took over the paperwork for that business.

In January 2003, while I was out of town, Theresa hired movers and moved us into the new house. I was still out of town most of the time. We were having fight after fight and I was

having more and more headaches. Theresa saw her marriage and dream home slipping away from her. The total loan for the house was \$454,000. She told me that she wasn't going to lose the house.

At this time, the marriage was not going well. One afternoon, I left the office and went home with a headache after a fight over the business. Theresa heard me on the phone with a friend and she told me that the marriage was over and she left the house. I was upset and said that I would kill myself and go be with my brother and sister. I called my mother to tell her goodbye.

I tried to kill myself because I was upset at the condition of my marriage. Theresa had often told me to go kill myself. I was tired of Theresa telling me this and I thought it would scare her. I had some Jack Daniel's whiskey. Randy Voss was at our house at the time. He and Theresa found me passed out from drinking straight whiskey. My feet were in the hot tub which was connected to the pool.

Later I found out that Theresa came back to the house, called 911, and I was rushed to the hospital. While I was in the hospital under sedation, Theresa received the results that indicated that I tested positive for Lyme disease. This was never revealed to me until much later. I had alcohol poisoning and was admitted to the psychiatric unit of the hospital. A number of psychological tests were administered. The doctors also determined that I had Bi-Polar disorder but this was partly based on false information from Theresa. They recommended medication. I was adamant that there was nothing wrong with me, I just couldn't sleep. The medication made me feel like a zombie so I stopped taking it. It made my head tingle and I didn't like it.

Theresa was initially happy and things went better. While there was a brief time of peace

between us, we soon began to argue and fight. I did not take my medication after the first month.

Through 2003, Theresa and I continued to fight. I would leave and stay gone for days at a time. When the state tree contracts came up for re-bid, I bid on some but I wasn't the lowest bidder. AFS did not get a renewal on the contracts and that caused a huge budget deficit. This time, Cowboy Cutters had to pay for AFS. The only men we could find to do the hard manual labor required of the tree company was to hire ex-convicts and most people on our crews had a criminal record.

Ron Dodd had just been released from prison and applied for a job with us. He was hired for his mechanical expertise. He could fix anything that broke at both companies. He was a valuable asset to the company but he had a rough personality. At first, he and Theresa did not get along at all and he once quit temporarily because of her. He loudly called her a bitch and made comments about her size. He told me many times that he couldn't understand why I put up with her. At first, Theresa wanted me to fire Ron Dodd but I wouldn't let her. Ron had a hot temper and had been in prison for assault and he got into fights everywhere he went. On one occasion he fought a man for no reason at Possum Kingdom Lake. Theresa went to court to speak for him. Ron became one of my constant companions. Eventually, he became close to Theresa and later moved into her house. They became engaged to be married. Theresa liked to throw this in my face.

In March of 2003, Theresa and I were doing work on a state contract that required a \$500,000 insurance policy. It was similar to a performance bond. If All Four Seasons defaulted on a contract, the policy would be used to hire another company to finish the contract. At the

request of the client, the Texas Highway Department, the policy was to be in the company's name. Without telling me, Theresa changed this to a universal life policy with her as the beneficiary. That policy was to be only for my state contracts. The Highway Department would have defaulted my contracts if they knew that the policy had changed beneficiaries. I believe that the reason she changed the policy to her name was to insure that she would receive the \$500,000 if I died. That amount was enough to cover what she owed on the house mortgage. Theresa was adamant that she was not going to lose the house.

By July 2003, the marriage was over and Theresa and I agreed to get a divorce. She hit me in the mouth with her fist so I left her. We did not want to spend a lot of money on lawyers and came to an agreement on who would take what property. We agreed that I would take All Four Seasons, my original company and Theresa would take Cowboy Cutters. However, we never officially split the companies and I remained the majority stock holder in both AFS and Cowboy Cutters.

The divorce was final in December of 2003. After Theresa and I separated, I met Lisa Underwood, who owned a local bagel shop with her business partner Holly. I bought bagels there every once in awhile. We dated a little bit. When I had first met her, Lisa told me that her family was "mob connected" in Florida. Then I met Trish Reinhardt, and Trish and I became committed as a couple. Of the women I was dating, I liked Trish the best.

Once, on a Saturday morning in December of 2003, Trish and her kids were at my apartment visiting. A woman (Lisa) began banging at the door and yelling for me to open up. Lisa began to yell something to the effect of "Why aren't you calling me any more?" and "Why don't you want to see me?" I told Trish the woman at the door was "a psycho I used to date."

Lisa did not want to take no for an answer. Although I had ended the relationship with Lisa, she continued to call and leave notes at my apartment and show up at my work.

Trish and I dated from December 2003 to December 2004. On July 4, 2004, Trish proposed marriage. Trish wanted a Las Vegas wedding complete with chapel and Elvis presiding. We set a date of December 20<sup>th</sup> 2004. However, there were conditions to be met before the wedding. First, Trish wanted me to cut my ties to Theresa. She said that I must get my belongings out of Theresa's house and collect the money Theresa owed me from the divorce. I was also to become more of a supervising presence in the business. These demands caused a lot of friction.

I told Lisa that Trish had proposed and that I had accepted. Lisa was shocked and stated that she would have married me if she had known I wanted to. After Trish proposed, I ended my relationships with the other women I had been dating. On one occasion, Lisa came to the office to confront me. She stood outside on the walkway and yelled at me for not calling her. She asked me why I was treating her this way. Theresa did not know who Lisa was at this time. On another occasion while Theresa was at the bagel shop getting breakfast for the office, Lisa confronted her. Lisa stated, "I know who you are and I know who your soon-to-be ex-husband is." "Who are you?" was Theresa's reply.

In the summer of 2004, the fighting between me and Theresa escalated. We could not agree on anything about the business. Trish constantly nagged me to collect the \$14,000 divorce settlement owed to me by Theresa. Trish was very jealous of the house Theresa and I had built together and couldn't understand why I would just walk away from it. Trish wanted what Theresa had. Theresa was not going to let this happen. Theresa was extremely jealous of Trish.

Ron and Theresa were living together in her house. They were having big violent fights. Every time they fought Theresa called me to come over and help her. Trish could hear their loud voices over the phone. Ron called Theresa horrible names such as “cunt” and “fat slob.” Ron threatened to kill Theresa on several occasions and threatened to burn down her house. On one occasion Ron drove his truck up into the yard and over a tree and then backed into Theresa’s Suburban SUV trying to hit her. Another time, Theresa threw Ron’s clothes out into the front yard. Ron hit and slapped Theresa many times. He gave her a black eye. One night Ron dragged Theresa across the yard and driveway by her hair. Although he beat her and put her down, Theresa would follow him around to check up on him.

One night Ron and Theresa got into a fight and Ron dragged her by the hair. The neighbors witnessed this. They told Ron that they were calling the police. Ron ran over to their house, which was close to our driveway, and hit his fist near their window which they were looking out of. He said that if they said anything, he would kick their ass and their 7-year old son’s ass too. They were terrified. Theresa told me this at the time. But to my knowledge, my attorneys never talked to these neighbors.

Theresa tried to socialize with me and Trish to keep the ties strong. She did not want me to marry Trish. Theresa felt that as long as I did not remarry, there was a chance we would get back together. Theresa reasoned that if she could get me to sign over majority ownership of both businesses she could get a minority/women’s business loan and restructure the debt. She also knew that if the majority of the company was in her name, she would have a measure of control over me. Theresa had been trying to get me to sign over the companies to her for years. However, I was not interested in signing over the companies.



In September of 2004, I moved into Trish's house. Trish had figured out that I knew nothing about what was going on financially in my company. In November 2004, Trish gave me an ultimatum. She suspected that Theresa was stealing from the company. If I did not hire an independent bookkeeper and make my signature required on all company checks, Trish was not going to marry me. So I presented Theresa with this demand. We went to the bank to change over the companies check writing policy and ended up in a big confrontation in front of the bank president and a woman named Carol Jones. Theresa said a change requiring my signature would delay payments as I was out of town so much. We left the bank without a change in procedure. The \$14,000 Theresa still owed me from the divorce was eating Trish up inside. Trish was also sure that Theresa was using company money for her personal use, paying for travel for her and Ron and items for her home. She also had several family members working at the companies in spite of company policy forbidding the hiring of relatives. On December 20<sup>th</sup> of 2004, Trish and I were finally married. I had purchased a lake-front lot before Trish and I made a commitment to each other. Trish did not want to live that far from the city and convinced me to sell it. Afterward, we purchased a tract of land directly across the highway from where Theresa and Ron lived. Trish was determined to have a house bigger and better than Theresa's. Trish continued to badger me about my role in the companies. She wanted me to take control from Theresa.

In January 2005, I discovered that Theresa had been stealing from the company as Trish had suspected. Theresa had continued to pay for her personal expenses from the company funds. This had come to light on a previous occasion and she had agreed to stop. This was in addition to her ten to fifteen thousand dollar a month salary. Theresa had still not given any money to me towards the divorce settlement. Trish insisted that her mother, a bookkeeper, go up to the office

and look at the books on the computer. When we arrived we discovered that the computers were pass-word protected and we were unable to view any documents. Shortly before the murders occurred, my parents, Bill and Jackie Barbee, loaned me and Theresa \$57,000 in order to build a fence and pool and cabana in our back yard. When Theresa and I divorced, I only took certain items with me. Theresa claimed the proceeds of that \$57,000 loan as hers. It stayed with the house.

About a month prior to Lisa Underwood's murder, Ron Dodd dropped a four hundred pound cast-iron pipe on my head while we were on a work site. The impact split my hard-hat and knocked me out. I was treated at Parkland Hospital in Dallas and released. The frequency of my migraine headaches increased. Nothing could stop the constant pain. I started taking several 750 milligram hydrocodone at a time in addition to generic ibuprophen. It barely decreased the pain and the hydrocodone made me itch and kept me awake. Since then, I have suffered from migraine headaches and have also taken Vicodin. The pain has worsened lately. I continued to work with Ron Dodd because he explained that it was an accident and Ron was an asset to the business.

By February of 2005, tension was at an all-time high. Trish had neck surgery on February 10, 2005. Her hydrocodone prescription had been increased to 750 milligrams. I took a small bottle full of her hydrocodone with me to Tyler to cut trees. We spoke on the phone on Wednesday evening and again had a terrible argument about Theresa and money. Trish scolded me about my inattention to the business and financial matters. She yelled at me that we had lots of debt and needed money. I called Theresa and got into a yelling match with her. Theresa agreed to pay us one hundred dollars a week toward the divorce settlement.

Meanwhile, Theresa's life was spinning out of control. She was on the verge of losing everything she had worked so hard to achieve. I had left her, her businesses were going to be taken away and Trish was demanding that she sell her furniture to repay money she owed us. Trish was also demanding an audit of the business books by a third party. Theresa was desperate; she needed a solution to her problems. Jennifer Cherry worked for me at that time in the office and she said she heard Teresa say that she wished I was dead.

I was also having problems of my own. Lisa asked me to tell Trish about her pregnancy. Lisa had never asked me for anything but she did ask me to tell Trish she was pregnant. I didn't want to tell Trish until I was 100 per cent positive that it was my baby. I wanted to be sure it was mine. When I started to bring up the possibility of having a DNA test, Lisa told me about Ed Rogers. Her attitude changed when I mentioned the tests. Lisa became upset when I wouldn't tell Trish about the pregnancy. I think she only wanted to do that to break us up, because I had married Trish instead of her and she was upset.

I was not opposed to being a father to the baby but I wanted proof the baby was mine. I reasoned that if the baby was mine, I would tell Trish and perhaps we could raise the baby as our own. I knew that Trish would have loved that baby, like I did hers. However, Lisa just got mad when I suggested that DNA testing be done. I refused to carry out Lisa's demands until I was certain the baby was mine.

On Friday, February 18, 2005, I took three 750 milligram hydrocodone tablets because I had a terrible headache. I drove back from a tree job in Tyler, Texas and arrived home sometime in the early evening, exhausted. Although Trish begged me not to go back out, I showered, changed clothes and went back over to Theresa's house to work on some equipment.

Theresa was getting ready to eat but I didn't want to go with them. She needed 45 minutes or so to get ready and that's when I asked Ron if he wanted to go with me to Lisa's house.

Ron agreed to accompany me to her house as I wanted company, and I wanted to see how she was doing. Ron drove me. When we got to Lisa's house, Ron said he was going to the store to get some tobacco dip. When he left, he never came back. I found out later that he had actually gone to get Theresa and they went to dinner right down the street about one mile from Lisa's house. Lisa and I were wondering where he was. I finally called him and he said he was on his way to pick me up. He was alone when he did pick me up. He had taken Theresa back to her house, which was 15 to 20 minutes away, and then came back to get me. I don't know why he did this.

Ron and I returned to Ron and Theresa's house after talking with Lisa. We talked outside the house in the driveway and garage. Ron asked me if I wanted him to talk to Lisa about getting a DNA test and waiting for the results before telling Trish. I agreed because Ron had a gift of knowing how to talk to people. I had seen this from his ability to get jobs for our work. Plus, Ron and Lisa knew each other. Ron and I then drove back to Lisa's house. I stayed in the truck because I didn't want Lisa to see that I had been crying. Ron entered the house and was inside for about 15 or 20 minutes. He came out and told me, "Your problems are solved, go get her truck." It didn't make sense. I was only thinking about him asking her to wait for a DNA test.

I got out of the truck and went to the door. When I was at the door, Ron suddenly left. I went into the house and saw Lisa kind of sitting on the floor leaning against the couch and Lisa's son Jayden on the couch. There was blood in the vicinity and they were dead.

I panicked as I thought I was going to be blamed for it. Lisa had a Dodge Durango. I

dragged Lisa, who weighed about 170 pounds, into the garage and placed her in the Durango. I also put Jayden's body in the vehicle. I left the house with the bodies in the Durango and finally reached Ron on his cell phone. I was wondering what happened to Lisa and Jayden and why Ron did it and I thought that the police were going to blame me. When I called Ron and asked what had happened, that's when I told him I had them in the car. He told me to just leave them in the woods. I said no, I didn't want animals to eat them. Ron was totally shocked when I told him that I had them with me. He sounded panicked.

Ron met me at a deserted place. We both removed the bodies. I pulled Lisa out and when I was pulling her under a fence Ron took Jayden and threw him over the fence. I said that we couldn't just leave Jayden's body there so Ron threw me a shovel and said "Do whatever you want." Ron then left in his truck and abandoned me. I tried to reach Ron on his cell phone and he said to meet him at the Ponder Exit on Highway 35 and he would pick me up.

I ditched Lisa's SUV. When walking, I was stopped by a police officer on the side of a road. I had no identification on me and I told the officer my name was David Weekly. The officer tried to verify the name and then I ran away. The officer called for me to stop. A video tape recording of this police stop was made and it showed Ron Dodd drive by in his truck.

Ron Dodd then picked me up and we returned to Theresa's house. Later, Theresa decided to wash Ron Dodd's clothes. Ron had different clothes on when he met me at the burial site from the clothes he was wearing earlier that night.

The next morning, Saturday the 19<sup>th</sup> of February, Trish asked where I had been after 2:00 a.m. that night. I explained that I had worked late and didn't want to wake her and therefore, had slept on the sofa with the kids. That night, the police arrived and started asking questions. Lisa

and Jayden had not showed up at a baby shower the previous day. That's when I told the officers about Ed Rogers. I also told them that Lisa had told me that Ed was more likely the father of her baby, but she wasn't sure. The police then went to Lisa's house and they found Jayden's glasses and shoes there, which was a cause for alarm as he always wore his glasses. At this point, Detective Galloway was the chief investigating officer.

On Sunday, February the 20th, Trish and the kids agreed to go back to Tyler with me. I had a migraine and took another three hydrocodone. We left Fort Worth and spent the night in Tyler in the travel trailer. Also that Sunday morning, the police showed up at my parent's, Jackie and Bill Barbee's house. They told the officers that I was in Tyler. Ron and I were supposed to go there on a job. Before he left, Ron was acting oddly and I knew why.

The next morning, Monday, I was once again contacted by the police. I agreed to meet them at the Wal-Mart at 6:30 p.m. My headache still had not gone away. I took three more hydrocodone in addition to 3-4 generic ibuprophen. Detective Mike Carroll met me and I was taken in for questioning. They wanted a written statement which I never got to do. Ron had told me that if I said anything about him, that he would do something to harm my parents. I told Theresa this when I was in the Mansfield Police Department. A tape was made of my interrogation and it starts and stops. At this time, my head was hurting all the time as a result of the pipe accident. Det. Carroll kept saying "Just tell us it was an accident." Eventually I said it was an accident because Det. Carroll said I was going to get the death penalty unless I said this. Det. Carroll testified that eventually there was a 45-minute confession by me in the restroom. But this was not true. Actually, I told him that I didn't do it. He said that he had enough evidence to give me the death penalty. He also said that an accident is an accident that would

save me. Finally, they got a false confession from me. I was crying and holding my head, it was hurting bad.

Det. Carroll asked me if I knew where FM 407 was. I said yes. He asked me to go to the computer map and point to FM 407. I did. I did not point to a site, only to FM 407. Theresa has lied when she said that I held up a note in the jail visiting room. The note supposedly asked her to say that Ron did it. This never happened and I didn't write that. Actually, Theresa held up a note telling me to say I had bi-polar disorder, that this would help me, and to say that I was guilty. Ron was later arrested for tampering with evidence.

Theresa was angry when she heard that I had transferred the insurance policy to Jackie, my mother. Theresa actually threatened my mother to make her change it back. She has refused to pay back any of the \$57,000 she owes Jackie. Theresa was making payments when I was arrested but then she stopped making those payments.

As soon as I was incarcerated, Theresa came to the jail with papers prepared giving full ownership of both companies to her. She told me that my DNA had been found all over the crime scene and that we would lose both companies if I did not sign them over to her. This was a lie. No DNA testing had been performed on any portion of the crime scene. I reluctantly signed over the companies to her thinking that was the only way to save them from state seizure.

Before I was incarcerated, Theresa had agreed to pay me \$100 per week toward the \$14,000 she owed from the divorce settlement. She has not been forthcoming with those funds. She also agreed to send Jackie \$200 per month for commissary and phone calls while I was in jail. She has not provided any of this money.

After my incarceration, Theresa has made one payment to Jackie and that check bounced.

Trish has been receiving numerous calls from creditors asking for payment. These are business debts and are supposedly to be paid out of the business accounts. These payments are not being made on time or at all by Theresa. Theresa has been referring all her business creditors to Trish.

The court appointed Bill Ray and Tim Moore to represent me. They never believed in my innocence. One of their first actions was to try to gather all my family to view the tape of my alleged confession. Neither attorney was ever interested in trying to investigate my innocence, despite my repeated efforts to have them do this. I wrote to the court to alert them to this situation. At trial, at the guilt/innocence phase, Bill Ray told the jury that I was guilty without my permission. I was shocked because it wasn't true and he never told me he was going to say this. This was completely contrary to what I had told him ever since he came on the case.

I declare under penalty of perjury of the laws of the State of Texas that the foregoing is true and correct to the best of my knowledge.

DATED: 8-2-10

AT: Polinsky Unit, Livingston Tx

  
\_\_\_\_\_  
STEPHEN BARBEE



# **EXHIBIT 21**

My name is Bobby Boyd and I am over the age of 21 and am competent to make this declaration.

I reside at 128 Timberlake Drive, Azle, Texas 76020. Currently I am retired and my former job was the Assistant Superintendent of the Azle Independent School District. I am the father of Stephen Barbee's best friend in middle school, Jeff Boyd. My wife's name is Sally Boyd. I knew Stephen from when he was in elementary school through junior high school. I also knew him when he was in high school, but saw him less frequently when he was in high school. My wife and I initially met Steve when the boys were in about 5<sup>th</sup> grade. Steve and Jeff were acquainted in 5<sup>th</sup> and 6<sup>th</sup> grade but did not become best friends until they entered 7<sup>th</sup> grade. At that time the boys spent as much time together as they could. They were often at our place or the Barbee household. Steve spent many nights at our house. Steve's mother, Jackie Barbee, was an aide at one of the elementary schools, Silver Creek Elementary. Steve was a well behaved young man when I knew him and his behavior was not out of the ordinary for a young man his age.

While we saw a lot of Steve, we did not socialize with Jackie and Bill Barbee. While I have had no contact with Steve since high school, based on my knowledge of him when he was young, I do not think Steve has a high probability of committing future violent acts

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge that the foregoing is true and correct.

DATED: 08-09-10

AT: 128 Timberlake Drive, Azle, Texas 76020

  
BOBBY BOYD

# **EXHIBIT 22**

**Declaration of Sallie Boyd**

My name is Sallie Boyd and I am over the age of 21 and I am competent to make this declaration.

I am the mother of Stephen Barbee's best friend in middle school, Jeff Boyd. I spent a lot of time with Steve when the boys were in about 5<sup>th</sup> grade. They were both members of the same Boy Scout troop. Steve and Jeff were acquainted in 5<sup>th</sup> and 6<sup>th</sup> grade, but did not become best friends until they entered 7<sup>th</sup> grade. At that time the boys spent as much time together as they could. They were always together at our home or were at the Barbee household. Steve spent many nights at our house and even went on vacation with our family. Steve and Jeff were active boys and funny. Steve was always polite and well-behaved. He would always sing little songs that he heard on the radio as well as making up some of his own songs.

My husband, Bob, initially met Jackie Barbee when he was principal of Eagle Heights elementary school. Jackie was a teacher's aide at that time. After the first year, Bob went into administration to become Assistant Superintendent of Azle ISD. He had no further contact with Jackie in work capacity.

While we saw Steve often, we did not socialize with Jackie and Bill Barbee. Our three children were the same age of theirs, and Jackie and I kept telephone contact.

Based on my knowledge of Steve when he was young, I do not think Steve has a high probability of committing violent acts, nor would he be a threat to society. Someone with the defense team contacted me prior the Steve's trial to inquire if I would be a witness for Steve, but I declined to do so, stating that I felt I would be too emotional in the courtroom. Had I chosen to testify, I would have stated I felt Steve was a very low risk to society.

Prior to Steve's trial, my husband and I talked with Amanda Maxwell, an investigator and mitigation expert working for Steve's attorney, Mr. Bill Ray. I stated everything in this affidavit to Ms. Maxwell.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge that the foregoing is true and correct.

DATED July 23, 2010  
Sallie Boyd

AT: Azle, Texas

SALLIE BOYD

# **EXHIBIT 23**

## DECLARATION OF MANDY CARPENTER

My name is Mandy Carpenter and I am over the age of 21 and making this declaration of my own free will and am competent to do so. My address is P.O. 150552 Arlington, TX. 76015, and my telephone number is 817-291-9899.

I have known Stephen Barbee for 21 years. I met Stephen while I was working in a Beauty Salon in Arlington when he came in to get his hair cut. We became friends, and did things together such as going to movies, going to the lake, and taking some vacations together. This was a platonic relationship where we just remained good friends. I attended Theresa and Stephen's wedding. After Steve and Theresa were married they occasionally did things as a couple with my boyfriend and myself.

Theresa was hurt on the job while working for American Airlines, so for a while we did not see much of each other. After her recovery, Stephen and I reunited as friends again, and Stephen stated that things were "rocky" in his marriage to Theresa. Theresa received a settlement from American Airlines, and their business grew. They worked out of town more often, so Stephen and I did not socialize as much as before.

When I heard of the murders I was shocked, because this was not in Stephen's character. I would describe Stephen as very upbeat, happy, fun loving, having a good sense of humor, and very generous with people. He was always fun to be around. Stephen never showed any signs of having an anger problem, or difficulty getting along with people. I never knew of Stephen to be a confrontational type of person.

Stephen told me that he and Theresa argued a lot, but did not go into detail.

Despite my knowing Stephen as long as I have, I was never contacted by his trial attorneys or anyone on his defense team. Had I been asked to testify during his trial I would have said what is contained in this declaration. If asked if I thought that Stephen would be capable of committing future acts of violence, or be a threat to society, my answer would have been no.

I swear under the penalties of perjury that this declaration is true and correct to the best of my knowledge.

SIGNED AT: 1:00 pm

DATED: July 21, 2010

NAME: Mandy Carpenter  
Mandy Carpenter

# **EXHIBIT 24**



**Declaration of Jennifer Cherry**

My name is Jennifer Cherry and I am over the age of 21 and competent to make this declaration. I reside at 1837 Whitley Ave #409, Hollywood, CA 90028.

I am the niece of Stephen Barbee, the only daughter of Stephen's deceased sister, Kathy. I also worked at Cowboy Cutters with Stephen, Theresa and Ron Dodd from 2002 to 2004.

Stephen and I are very close and I consider him one of my favorite uncles. I was born when Stephen was 14 and I felt he was more like a brother than an uncle. Throughout my childhood he was very playful, funny and very loving and it continued as such through my adult years. He loved to make me laugh and always made sure I was taken care of and happy as I was his only niece.

Through out my life I noticed Stephen's love for animals and children. He often brought home stray dogs that became a part of the Barbee family. He also taught children's church along with Theresa and the kids loved him. I was involved with the puppet shows and vacation bible school under the guidance of Stephen and Theresa.

Stephen and Theresa borrowed money from my grandparents, Bill and Jackie, to complete their cabana behind their house. After the divorce, because Theresa remained in the house, she continued to pay the loan she borrowed against my grandmother's CD. She took responsibility for the payments as Stephen did not live there anymore. I know this because I personally took her personal checks to First Bank to make the monthly payments on said loan.

I was hired by Stephen to work part time at Cowboy Cutters while I was in college. During the summers, my part-time status was more of a full-time job and I spent many hours with him and Theresa at work and stayed with them at their house quite a bit as well. Stephen and Theresa argued all the time and I watched their relationship slowly crumble. Because Stephen was working in the field and with All Four Season frequently, I worked beside Theresa the majority of the time.

After Stephen and Theresa's separation, her discontent with him deepened and I often heard her say how much she hated him and wanted him "gone". She would regularly state how she wanted him out of the business, which didn't make sense as he was the majority owner of the companies. Theresa, by her own admission, said she only stayed to make Stephen's life miserable.

Theresa was mouthy and I noticed signs of this even before they were married. She would provoke Stephen into arguments and was very aggressive not only with speech but bodily as well. She would agitate Stephen until he would turn and leave, as that's what Stephen does when he's angry. He leaves the situation

to cool off and then returns when his temper has leveled off. I never saw Stephen touch her or in any way engage in physical violence in one of their fights.

On one occasion I was working at Cowboy Cutters in my office, which was approx. 20 feet from Theresa's office. I heard Stephen and Theresa arguing in the hallway so I stepped out of my office and watched the argument ensue. Theresa was up in Stephen's face yelling and he was trying to leave. I had full view of both of them and Theresa did not notice I was watching as she was so engrossed in arguing with Stephen. They were standing in the hallway between Theresa's office door and the door that went out to the shop area of the building. Once Stephen had had enough of Theresa's yelling, he turned to leave through the shop door. I still had a clear view of Theresa and she followed him yelling as he was walking out. Stephen went through the door and Theresa was still in the hallway. I could see her clearly when all of a sudden she yelled loudly, "You hit me!" Stephen hitting her was impossible as he was already through the door, going towards the shop and Theresa was standing there in the middle of the hallway, in my full view the whole time. Stephen never raised a hand to her or moved towards her in any threatening manner. She also said he tried to slam the door on her, which is a lie because when he was going out the door, she tried to grab him and stop him.

Once he was in the shop, she called the police and lied about him hitting her once again. When the police arrived, she told them she had handled it and they left, no report was filed. They had a very tumultuous relationship at times but had many good times as well.

After their separation and divorce, Theresa would say directly to me that she wished Stephen would die and wished he was out of the office. She used to think aloud that she wished there was a way to get rid of him. I was always shocked she would say these things to me as I was Stephen's niece.

During my employment with Cowboy Cutters, I observed Theresa operate the business in a shady manner. She never paid the bills on time and would avoid calls from creditors. She also paid her personal bills with company checks, and I know this for a fact because she had me write out the company checks and she would later sign them. I observed her embezzling thousands of dollars from Cowboy Cutters throughout the years of my employment. On one occasion, I was instructed by Theresa to forge a letter from a vendor as a letter of reference so that she could obtain a line of credit from the bank. I typed the letter and Theresa forged the vendor's signature. When I told Stephen what was going on, he had no idea and confronted Theresa about the monies. Shortly after alerting Stephen of Theresa's fraudulent money transactions, Theresa would no longer give me enough hours of employment to pay my bills so I left the company.

While I was working at Cowboy Cutters, Theresa and Ron Dodd became romantically involved. I was surprised because through the years of Ron's employment, he and Theresa had nothing nice to say to each other or about each other. From all my observations, I would have thought they hated each other. However, they did get together and was very open about it in the office and even brought their sexual relationship into the office. They were very open about their exploits and Theresa often talked about what a good lover Ron was. On one occasion, Theresa, Ron and I were sitting in Theresa's office having a conversation which included them talking about sex and then the subject turned to Stephen and Cowboy Cutters. Theresa said, "I know he's your uncle but I wish he would just die! There has got to be a way to get him out of the office." Then Ron looked over at me and said, "One of these days I'm going to run this mother fucker". He was referencing Cowboy Cutters. I was shocked they would say this to me.

Ron moved in to some apartments close to work and I observed Theresa paying for the apartment on several occasion. He did not live in the apartment much because shortly after, he moved into the home that Theresa used to share with Stephen. Both Ron and his son Nathan moved in and I tutored Nathan, when he was in the 7<sup>th</sup> grade. At that time, he expressed to me that he was afraid of his father. I asked him why but he would not go into detail and changed the subject.

Theresa often pitted the office employees against Stephen, telling them things he said about them in private conversations between him and Theresa, resulting in the office personnel disliking him.

Lauren Edmondson, who also worked in the office, has written a book about her experience there. After Theresa took over, Lauren pronounced her the worst person ever to work for. Lauren no longer works for Theresa. Theresa filed a law suit to block the release of White Trash Inc., the book Lauren wrote.

I met Lisa Underwood on two different occasions. The first time was when Lisa came to the Cowboy Cutters office. This visit prompted an agreement between Stephen and Theresa that none of his "girlfriends" would come to the office. Stephen tried to explain that Lisa was not his girlfriend but Theresa would not listen. The next time I saw Lisa was at my great-grandmother's funeral. Stephen brought Lisa with him and she was introduced as "his friend". I felt that Lisa expected she and Stephen would grow closer however this did not happen and I never saw Lisa again.

At the time of Stephen's trial, I talked with a defense mitigation expert who was developing mitigating evidence for Stephen's attorney to use at the trial.

I did testify during Stephen's punishment phase however, when I was on the stand, I was asked for virtually none of the information in this declaration. I do not know why as much of the information I have experienced first hand could

have been useful in discrediting Theresa as a witness. Stephen's attorneys only spoke to me once when they asked why Stephen would admit to something he didn't do. I told them what Stephen told me when I asked him the same question, which was he was protecting his family because Ron threatened Stephen that if he told anyone what really happened, he would hurt his family; however the attorneys did not want to hear this I was never spoken to again.

If I would have been asked by trial counsel during the trial if Stephen would be a future threat to society, my answer would have been no and it is still no today.

I hereby declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATE: 7-27-2010

Jennifer Cherry  
Jennifer Cherry

# **EXHIBIT 25**

## DECLARATION OF TINA CHURCH

My name is Tina Church and I am over the age of 21, and am competent to make this declaration and I am making it of my own free will. I am a licensed investigator, and have worked for approximately fifteen years on post-conviction death penalty cases in Texas and other states, under the direction of various attorneys. I live at 111 Livingston Bay Court, Mishawaka, Indiana 46544.

I first became aware of the Stephen Barbee case shortly after the crime was committed. I am the founder of "The Other Victims Advocacy", which assists family members from the time of the arrest through the entire legal process. A mother of a former client heard of the Barbee case and contacted me. As a result, I contacted Jackie Barbee, Stephen Barbee's mother. Initially Jackie was very reluctant to speak with me, but after "checking me out" she learned that I was there to assist her during this devastating time.

After first obtaining Stephen and his parents' permission, within two weeks of Stephen's arrest I spoke to numerous people regarding the case, including Jackie Barbee, Billy, Stephen Barbee, Theresa Barbee, Trish Barbee, Jennifer Cherry, Nancy Kearly, Danny Dowling, Jerry Dowling, Ron Dodd, and Detective Mike Carroll. Both Stephen and his parents were grateful for my help.

Jackie Barbee spoke to me at great length about her love for her son and her concerns and fears regarding the legal process. She contacted an attorney, a Mr. Sorrell, who visited Stephen in jail. However after speaking with Stephen and learning that it would be a capital murder trial, Mr. Sorrell stated that he was in no position to handle the case pro-bono. Nor was the Barbee family in any position to pay his fee of upwards of \$200,000.00. As a result, after Stephen finally qualified as an indigent and was entitled to appointed counsel, attorneys Bill Ray (first chair) and Tim Moore (second chair) were appointed by Judge Gill to represent him.

I advised Jackie Barbee to document every event in the case from the time of Stephen's arrest until the present. I told her that she would not be able to remember certain details without documenting



them. I also purchased a filing system for Jackie as well as a copier/fax for her convenience.

Early in the case, I contacted Bill Ray, and offered him my services pro-bono. He declined, claiming that he had his own investigators. However, eventually I had to write a letter on behalf of Stephen requesting that the court provide him with a mitigation expert, because Judge Gill had previously denied this request. Stephen frequently told me of his displeasure with the actions, or lack thereof, of his attorneys. I remember that during one particular phone call, Jackie Barbee was talking with Bill Ray, and he was very rude to her. She was speechless and shocked at his demeanor and hung up. Jackie Barbee and I then re-called Mr. Ray, and Jackie attempted to apologize for hanging up on him. However, he was once again extremely rude and obnoxious, and appeared to have absolutely no interest in the investigation of the guilt/innocence phase of the trial. As Bill Ray was first chair counsel, and was making all the major decisions in the case, I had little if any contact with second chair counsel Tim Moore.

Stephen regularly called me collect from the Tarrant County Jail, and many times his voice was almost inaudible due to his uncontrollable migraine headaches and bouts of uncontrollable crying. Stephen always proclaimed his innocence, yet he told me that from the very beginning, Bill Ray and Tim Moore were merely focusing on obtaining a life sentence. Either one or both attorneys would visit him once a week. After their visit Stephen would be severely depressed and despondent, because they refused to hear his side of the story. Stephen claimed his innocence from the beginning, however, neither appointed counsel would even consider this or make any efforts to investigate it. At one point, Stephen went for several days without contacting his family or me, and I later learned that this was because he had been given medication that caused him to hallucinate to the point of seeing "spiders" all over the cell walls.

Stephen went to great lengths to tell me his version of the events for which he was arrested, charged and convicted. I asked that he start from the beginning, going back to 2003 when he and his first wife Theresa were having so many problems. By February of

2003, Stephen was fed up with Theresa's attitude and work ethics, as he had caught her stealing from the company for her own personal gain. At this time, Stephen had a large Texas state contract which required \$500,000.00 in bonding insurance in case he was not able to complete the job. Without Stephen's knowledge or consent, Theresa changed the bonding insurance into a universal life policy, naming herself as the sole beneficiary in place of the company. This occurred around the time of Stephen's halfhearted suicide attempt, where he took some pills and alcohol and was found unconscious in the swimming pool area of his home. When he was taken to the hospital, Stephen tested positive for Lyme disease but he was not told of this diagnosis at the time. He did not know about this until much later.

Within two weeks of Stephen's arrest, Theresa went to the jail with paperwork and told Stephen that if he didn't sign over the business to her that they would both lose everything. Theresa told me during several of our conversations that she did not believe that Stephen had committed the murders. When I questioned her about Ron Dodd, with whom she was living at the time of the murders, Theresa declined to discuss him. Theresa was very cooperative at the beginning while she was trying to have the business signed over to her, but once this was done, she was no longer cooperative. At no time did Theresa ever state that Stephen had committed the crime. Instead she talked about the possibility that Ron Dodd had done it. She told me that when Stephen and Ron returned on the night of the incident, Stephen was crying and she asked Ron what was wrong. Ron responded, "just stay out of it." Theresa also told me that she thought it was odd that Ron Dodd wanted his clothing washed at approximately 4:00 a.m. that morning.

I also spoke with Rod Dodd on his cell phone, and he said that he didn't know what happened, and would not elaborate at all. I pushed him a bit about his car being power-washed (inside and out) the next morning by his son Nathan and Danny Dowling, and he just said that was because it was dirty. Ron was very nervous speaking with me.

When I spoke with Danny Dowling, Theresa's brother, he said that on the night of the incident, he was returning from Ector, Texas



and he saw a flashing Amber Alert sign on the side of the road. At this time, he knew nothing about the disappearance of Lisa Underwood or her son. Danny told me he said to himself "that's probably something that Stephen would do." When I confronted Danny about what would make him think something like that, as Lisa and Jayden were merely missing at this time, he stammered and stuttered, claiming that he didn't know. I asked Mr. Dowling about assisting Ron Dodd and Nathan with the washing of Ron's vehicle. He said that his sister Theresa had asked him to do this. He was working for her at the time. Danny also told me that Stephen had always been very good to him, had given him a job, and Danny even lived with Stephen and Theresa for a while.

When I spoke with Danny Dowling at a later date, he told me that Rod Dodd had said that he (Ron) "had to hit the bitch 25-26 times in the face before she would go down," referring to the victim Lisa Underwood. Later, Danny stated that Stephen made that statement. However, Danny had not been in contact with Stephen at this time, and this would have been impossible. When I confronted him with that, Danny said he just couldn't remember, and didn't want anything to do with this case.

When I spoke with Trish Barbee, she was adamant in her belief that Stephen could not have done this crime. She had two young children who were well taken care of by Stephen. He showed them great love and support, was very playful with them, and helped them with their homework. Trish spoke openly about Lisa Underwood coming to Stephen's apartment and confronting him. Trish was aware that they had dated for a short time, but she had no knowledge of a pregnancy. After speaking with Bill Ray and Tim Moore, Trish had a change of attitude, and did not want to discuss this case any further.

Jerry Dowling is Theresa's father, and in several conversations he spoke at great length about his relationship, or lack thereof, with his daughter. He stated that he has had an "on and off again" relationship with Theresa. Jerry said that Stephen had trusted him to be a foreman of the company that was owned by Stephen and Theresa. He was very upset with Theresa because he had put some of his property in her name to avoid paying so much child support for

a child that lived out of state from a previous relationship. But Theresa refused to put the house back into Jerry's name. Theresa had also broken ties with her father.

Jerry said that he and Stephen always got along well. Jerry readily admitted that many times Theresa would start an argument with Stephen, and Theresa could "fight like a man." He said that Stephen would be more likely to walk away than be forced into a confrontation. Jerry stated that he had not been contacted by the defense attorneys, or any investigators, but would have told them about what he knew if they had asked. Jerry stated that he felt very strongly that Ron Dodd committed the murders, and that Theresa knew more than she was saying.

I also spoke with Mike Cherry, the father of Jennifer Cherry. Initially he did not want to get involved. But later he said that he felt that Stephen could not have been responsible for the murders, because he loved children. He did state that Theresa had a volatile temper, was always trying to get Stephen riled up, and she was a compulsive liar. Mike has since visited Stephen in prison, and has written to him.

I contacted Detective Mike Carroll of the Ft. Worth Police Department and left a message giving him my name and phone number. He returned my call, and I introduced myself again. Det. Carroll freely admitted that he felt that Theresa and Ron Dodd knew more about the murders than either of them was saying. However, when I asked him about the "bathroom confession", he immediately had to get off of the phone. Approximately 10-15 minutes later, Det. Carroll called back stating that I had misrepresented myself. Apparently he thought I was from the Attorney General's office, but I reminded him of the message I left for him as well as how I introduced myself. If he had perceived otherwise that was his misinterpretation.

Stephen's attorneys never cooperated with me in any way whatsoever. I would have been willing to testify at Stephen's trial had they asked me to do so.

I swear under the penalties of perjury that the above declaration is true and correct to the best of my knowledge.

SIGNED AT: 111 Livingston Bay Ct. Mishawaka, IN. 46544

DATED: July 21, 2010

SIGNED *Tina Church*  
TINA CHURCH

### DECLARATION OF TINA CHURCH

My name is Tina Church, and I am over the age of 21 and am competent to make this declaration. I reside at 211 Livingston Bay Ct. Mishawaka, IN. 46544. My telephone number 574-255-8364. I am a licensed private investigator and I have worked with numerous attorneys throughout the country.

During the time when Stephen Barbee's case was pending in state court, I had various conversations with attorney Don Vernay. He was privately retained to do the state writ of Habeas Corpus for Mr. Barbee. It was my understanding that the state writ would raise Mr. Barbee's claim of actual innocence. I told Don Vernay on several occasions that both Jerry Dowling and his son Danny Dowling had said that Ron Dodd confessed to the murder of Lisa Underwood. Danny Dowling told me that Ron Dodd said that he had to punch Lisa Underwood 25-26 in the face before the "fucking bitch would go down." This confession was made directly by Ron Dodd to Danny Dowling and repeated to Danny's father Jerry Dowling. Jerry Dowling is the father of Theresa Barbee, who was intimately involved with Rod Dodd at the time of the murders.

I also presented Mr. Vernay with the issue of the cell phone records that indicated that Ron Dodd was not in bed at home with Theresa when many of the calls were made. There were numerous calls made between Stephen, Ron Dodd, and Theresa during the early morning hours of the murders. I also informed Don Vernay that on the night of the murders, at 4 a.m., Ron Dodd had Theresa wash the clothing he wore that night. I also reported to Don Vernay that Ron Dodd's son Nathan, Danny Dowling, and Ron Dodd all power-washed Ron Dodd's entire truck following the murders.

I also spent a great deal of time discussing with Mr. Vernay the many conversations I had with a large number of the people involved in this case. However, he did not seem interested in pursuing an actual innocence claim. Throughout the time when I was assisting Mr. Barbee with the state writ, he repeatedly proclaimed his innocence to me. The trip that Don Vernay took to Texas was paid for by Stephen's mother Jackie, yet Don spent only approximately 30 minutes with Stephen. The rest of the time was spent with his other clients. I know this personally because I was visiting at the unit at the same time Don Vernay was there visiting Stephen Barbee and other clients.

I swear under the penalties of perjury of the State of Texas that this declaration is true and correct to the best of my knowledge.

SIGNED: 

DATED: 07-29-10  
Tina Church

### DECLARATION OF TINA CHURCH

My name is Tina Church, and I am over the age of 21 and am competent to make this declaration. I reside at 211 Livingston Bay Ct. Mishawaka, IN. 46544. My telephone number 574-255-8364. I am a licensed private investigator and I have worked with numerous attorneys throughout the country.

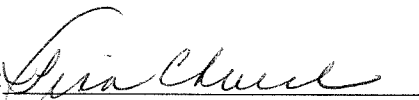
During the time when Stephen Barbee's case was pending in state court, I had various conversations with attorney Don Vernay. He was privately retained to do the state writ of Habeas Corpus for Mr. Barbee. It was my understanding that the state writ would raise Mr. Barbee's claim of actual innocence. I told Don Vernay on several occasions that both Jerry Dowling and his son Danny Dowling had said that Ron Dodd confessed to the murder of Lisa Underwood. Danny Dowling told me that Ron Dodd said that he had to punch Lisa Underwood 25-26 in the face before the "fucking bitch would go down." This confession was made directly by Ron Dodd to Danny Dowling and repeated to Danny's father Jerry Dowling. Jerry Dowling is the father of Theresa Barbee, who was intimately involved with Rod Dodd at the time of the murders.

I also presented Mr. Vernay with the issue of the cell phone records that indicated that Ron Dodd was not in bed at home with Theresa when many of the calls were made. There were numerous calls made between Stephen, Ron Dodd, and Theresa during the early morning hours of the murders. I also informed Don Vernay that on the night of the murders, at 4 a.m., Ron Dodd had Theresa wash the clothing he wore that night. I also reported to Don Vernay that Ron Dodd's son Nathan, Danny Dowling, and Ron Dodd all power-washed Ron Dodd's entire truck following the murders.

I also spent a great deal of time discussing with Mr. Vernay the many conversations I had with a large number of the people involved in this case. However, he did not seem interested in pursuing an actual innocence claim. Throughout the time when I was assisting Mr. Barbee with the state writ, he repeatedly proclaimed his innocence to me. The trip that Don Vernay took to Texas was paid for by Stephen's mother Jackie, yet Don spent only approximately 30 minutes with Stephen. The rest of the time was spent with his other clients. I know this personally because I was visiting at the unit at the same time Don Vernay was there visiting Stephen Barbee and other clients.

I swear under the penalties of perjury of the State of Texas that this declaration is true and correct to the best of my knowledge.

SIGNED: \_\_\_\_\_



DATED: \_\_\_\_\_

08-09-10  
Tina Church

## DECLARATION OF TINA CHURCH

My name is Tina Church and I am over the age of 21 and making this declaration of my own free will. I am a licensed private investigator, and am working under the direction of attorney A. Richard Ellis who is preparing the federal writ for Stephen Dale Barbee.

On September 9, 2010, I spoke with Susan Perryman Evans who testified at the trial of Stephen Barbee during the punishment phase. I asked Ms. Evans if she recalled the case of Stephen Barbee, and I had to refresh her memory that he was represented at trial level by Attorneys William (Bill) Ray, and Tim Moore. She did recall spending little if any time with the attorneys before she testified, and can only recall reviewing documents for them. She thought that her preparation time was limited to the time she spent reviewing these documents.

I swear under the penalties of perjury that the above statement is true and correct to the best of my knowledge.

SIGNED AT: 111 Livingston Bay Ct. Mishawaka, In. 46544

DATED: 9-10-10

SIGNED: Tina O. Church